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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DANIELSEN, NATHAN ANDREW

ART UNIT

PAPER NUMBER

2627

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,308	Applicant(s) COOKSON ET AL.	
	Examiner Nathan Danielsen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending.

Drawings

2. The drawings are objected to because: the output of buffer 132 in figure 2 lacks the appropriate label, such as the label "DATA OUT" shown in figure 3, and figure 11 has two elements both indicating that data from Side A is being sent to the processor when one should indicate that data from Side B is also being sent to the processor.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to under 37 CFR 1.78(a)(2)(i) because of the following informalities: the listing of related applications contains only application titles without the corresponding application serial numbers. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 3 recites the limitation "further comprising a first and a second laser head". It is unclear if Applicant intends to claim a single first laser head, resulting in two claimed laser heads, or if Applicant intends to claim three separate laser heads. The phrase "said laser heads" in claims 4 and 5 render them indefinite because it is unclear which of the three claimed heads are included in that phrase. For purposes of examination, claim 3 will be interpreted "further comprising a second laser head" and claims 4 and 5 will then be interpreted to include the first laser head of claim 1 and the second laser head of claim 3.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 7, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishibashi et al (PCT Publication WO 01/18798; note that citations for this reference come from English language equivalent US Patent 6,850,478 (hereinafter Ishibashi), which resulted from the 35 USC 371 National Stage Application of WO 01/18798).

Regarding claims 1 and 17, Ishibashi discloses a player for reading data from an optical disc having data disposed along a spiral (and associated method of playing discs) comprising:

a rotation detector that detects the direction in which the disc has to be rotated in order to read the data (col. 7, lines 3-6 and figure 3);

a controller coupled to said rotation detector and generating a command in response (col. 7, lines 3-6 and figure 3);
a motor receiving said command and rotating said disc (motor 10 in figure 3); and
a first laser head positioned to read the data from the disc as the disc is rotated by the motor (optical head 2 in figure 3).

Regarding claim 2, Ishibashi discloses where the disc includes rotation indicia indicating said rotation and wherein said rotation detector detects said rotation indicia (col. 7, lines 26-37).

Regarding claims 7 and 18, Ishibashi suggests where the player comprises a manual selector, said rotation detector being coupled to said manual selector (col. 11, lines 40-45).

Regarding claim 19, Ishibashi discloses where the method further comprises rotating the disc in a predetermined direction for either side of the disc (a disk must inherently be rotated in a predetermined direction in order to determine its type (i.e. CD/DVD/HD-DVD/BD) and to attempt to reproduce data from it).

9. Claims 8, 10-12, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Hara et al (US Patent 5,418,774; hereinafter O'Hara).

Regarding claim 8, O'Hara discloses a player reading data from a double-sided disc having at least one of two configurations, in one configuration the disc having data arranged along a right handed spiral on one side and a left handed spiral on the other side, in the second configuration the disc having data arranged in spirals in the same direction on both sides (col. 7, line 44 through col. 8, line 24 and figures 4 and 5), comprising:

a disc detector that detects whether the disc inserted into the player has the first or the second configuration (inherent for the operation of the various methods disclosed in col. 8, line 18 through col. 10, line 11 and figures 6-9);
a controller coupled to said rotation detector and generating a command in response (col. 7, line 63 through col. 8, line 2);

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a motor receiving said command and rotating said disc in a corresponding direction (inherent in col. 7, line 63 through col. 8, line 2); and

a first laser head positioned to read the data from the disc as the disc is rotated by the motor (elements 1-4, 5a-7a, 11, 12, 13a-15a, 16, 17, and 19 in figure 1a).

Regarding claim 10, O'Hara discloses where the player further comprises a second laser head, said first laser head reading data from a first side of the disc and said second laser head reading data from the second side of the disc (elements 1-4, 5b-7b, 11, 12, 13b-15b, and 16-19 in figure 1a).

Regarding claim 11, O'Hara discloses where said motor rotates the disc in the same direction while data is being read from either side of the disc (col. 7, line 63 through col. 8, line 2).

Regarding claim 12, O'Hara discloses where said motor rotates the disc in one direction when reading data from one side and the other direction when reading data from the other side (col. 7, line 63 through col. 8, line 2).

Regarding claim 14, O'Hara discloses where said disc detector reads data from the disc to detect a direction of rotation for the disc (col. 7, line 63 through col. 8, line 2 and lines 42-58).

Regarding claim 16, O'Hara discloses where said disc detector cooperates with said motor to rotate said disc in one of a first and second direction to determine the configuration of the disc (col. 7, line 63 through col. 8, line 2 and lines 42-58).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi, in view of Yamauchi et al (JP Patent Application Publication 11-007669; hereinafter Yamauchi).

Regarding claims 3-5, Ishibashi discloses everything claimed, as applied to claim 1. However, Ishibashi fails to disclose where the player further comprises a second laser head, where both heads can read data either sequentially or simultaneously.

In the same field of endeavor, Yamauchi discloses where the player further comprises a second laser head positioned adjacent to respective sides of the disc (figures 1 and 3), where said laser heads read data from said sides sequentially or simultaneously (suggested by the combination of ¶s 17 and 35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized two read heads, each facing one side of a disk and reading data either sequentially or simultaneously, as taught by Yamauchi, for the purpose of increasing the data transfer rate to and from the disc (¶ 26).

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi, in view of Ito et al (US Patent 5,881,032; hereinafter Ito).

Regarding claim 6, Ishibashi discloses everything claimed, as applied to claim 1. However, Ishibashi fails to disclose where the disc is a multilayer disc.

In the same field of endeavor, Ito discloses where said disc has a data side with at least two data layers, wherein said laser head is adapted to read data selectively from one or the other of said data layers (figures 1d-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the multilayer disc of Ito in the apparatus of Ishibashi, for the purpose of realizing contiguous reproduction of data (col. 4, lines 31-46).

13. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hara, in view of Ishibashi.

Regarding claim 9, O'Hara discloses everything claimed, as applied to claim 8. However, O'Hara fails to disclose where the player further comprises a manual selector used to select the type of disc being inserted into the player, said disc detector being coupled to said manual detector.

In the same field of endeavor, Ishibashi discloses where the player further comprises a manual selector used to select the type of disc being inserted into the player, said disc detector being coupled to said manual detector (col. 11, lines 40-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the manual selector of Ishibashi in the apparatus of O'Hara, for the purpose of allowing a user to manually switch the direction of rotation of the disc (col. 11, lines 40-45).

Regarding claim 15, O'Hara discloses everything claimed, as applied to claim 8. However, O'Hara fails to disclose where said detector reads reverse data from the disc.

In the same field of endeavor, Ishibashi discloses where said detector reads reverse data from the disc (col. 7, lines 26-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have read reverse data to determine the direction of rotation of the disc, as taught by Ishibashi, for the purpose of identifying the type of optical disk (col. 7, lines 34-37).

14. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hara, in view of Ito.

Regarding claim 13, O'Hara discloses everything claimed, as applied to claim 8. However, O'Hara fails to disclose where the disc is a multilayer disc.

In the same field of endeavor, Ito discloses where the disc includes at least two data layers on one side and said first laser disc reads data selectively from said data layers (figures 1d-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the multilayer disc of Ito in the apparatus of Ishibashi, for the purpose of realizing contiguous reproduction of data (col. 4, lines 31-46).

15. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi, in view of the Applicant's admitted prior art (hereinafter the AAPA).

Regarding claim 20, Ishibashi discloses everything claimed, as applied to claim 17. However, Ishibashi fails to disclose where the method further comprises rotating the disc in a first direction for the first side of the disc and rotating the disc in an opposite direction for the second side of the disc.

In the same field of endeavor, the AAPA discloses where the method further comprises rotating the disc in a first direction for the first side of the disc and rotating the disc in an opposite direction for the second side of the disc (first full paragraph on page 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have reversed the direction of rotation of the optical disc based on which side was to be read, as taught by the AAPA, for the purpose of not having to flip the disc over to read the second side (paragraph starting on page 3 and ending on page 4).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571) 272-4248. The examiner can normally be reached on Monday-Friday, 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Danielsen *ND*
07/20/2006


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PRIMARY EXAMINER